



Federal Communications Commission
Washington, D.C. 20554

Memo

To: Cindy Stickle, for
Geibel Catholic Junior-Senior High School

From: Ryan B. Palmer, Chief
Telecommunications Access Policy Division
Wireline Competition Bureau
Federal Communications Commission

Date: June 28, 2019

Re: DA 19-589, released June 28, 2019

The attached Public Notice contains the Bureau's decision on your appeal. It may be referenced in the future by its document number and release date: DA 19-589, released June 28, 2019.

If the Bureau has granted your appeal, please contact the Universal Service Administrative Company (USAC) at 1-888-203-8100 for more information regarding your application. Please submit any information to USAC that the order may require. Once USAC has reviewed your application related to the issues resolved in the attached Public Notice, you will receive a revised funding commitment decision letter.

If the Bureau has dismissed or denied your appeal and you would like to seek reconsideration of that decision, the deadline to file a petition for reconsideration or application for review by the full Commission is 116 days from the release date. *See* 47 CFR §§ 1.106, 1.115. We encourage you to file your petition for reconsideration or application for review electronically using the Commission's electronic comment filing system (ECFS) at <https://www.fcc.gov/ecfs/filings>. On your filing, please include a reference to the proceeding, CC Docket No. 02-6.



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <https://www.fcc.gov>
TTY: 1-888-835-5322

DA 19-589

Released: June 28, 2019

STREAMLINED RESOLUTION OF REQUESTS RELATED TO ACTIONS BY THE UNIVERSAL SERVICE ADMINISTRATIVE COMPANY

CC Docket No. 02-6

Pursuant to our procedure for resolving requests for review, requests for waiver, and petitions for reconsideration of decisions related to actions taken by the Universal Service Administrative Company (USAC) that are consistent with precedent (collectively, Requests), the Wireline Competition Bureau (Bureau) grants, dismisses, or denies the following Requests.¹ The deadline for filing petitions for reconsideration or applications for review concerning the disposition of any of these Requests is 30 days from release of this Public Notice.²

Schools and Libraries (E-Rate)

CC Docket No. 02-6

Dismissed as Moot³

Northland Telephone Systems, Ltd. (Onondaga-Cortland-Madison BOCES), NY, Application No. 161058354, Request for Waiver, CC Docket No. 02-6 (filed Jan. 17, 2019)

Presidio Networked Solutions Group LLC (Saginaw Public School District), MI, Application No. 161009906, Request for Waiver, CC Docket No. 02-6 (filed Mar. 19, 2019)

¹ See *Streamlined Process for Resolving Requests for Review of Decisions by the Universal Service Administrative Company*, CC Docket Nos. 96-45 and 02-6, WC Docket Nos. 02-60, 06-122, 08-71, 10-90, 11-42, and 14-58, Public Notice, 29 FCC Rcd 11094 (WCB 2014). Section 54.719(b) of the Commission's rules provides that any person aggrieved by an action taken by a division of USAC, after first seeking review at USAC, may seek review from the Commission. Section 54.719(c) of the Commission's rules provides that parties seeking waivers of the Commission's rules shall seek review directly from the Commission. 47 CFR § 54.719(b)-(c). In this Public Notice, we have reclassified as Requests for Waiver those appeals seeking review of a USAC decision that appropriately should have requested a waiver of the Commission's rules. Similarly, we have reclassified as Requests for Review those appeals seeking a waiver of the Commission's rules but that are, in fact, seeking review of a USAC decision.

² See 47 CFR §§ 1.106(f), 1.115(d); see also 47 CFR § 1.4(b)(2) (setting forth the method for computing the amount of time within which persons or entities must act in response to deadlines established by the Commission).

³ See, e.g., *Requests for Review of Decisions of the Universal Service Administrator by Diversified Computer Solutions, Inc.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 5250, 5251, para. 3 (WCB 2012) (dismissing appeals as moot where invoicing records demonstrate that the entity was fully compensated for the funding it requested and all submitted invoices were funded).

Invoice Timely Filed⁸

Erb's Business Machine (Columbus Community School District), IA, Application No. 161024799, Request for Review, CC Docket No. 02-6 (filed Aug. 8, 2018)

Late-Filed FCC Form 471 Applications Filed within 14 Days of the Close of the Window⁹

Belmont Charter Networks, PA, Application Nos. 191041614, 191041622, Request for Waiver, CC Docket No. 02-6 (filed Mar. 29, 2019)

Central Valley School District, NY, Application No. 191041608, Request for Waiver, CC Docket No. 02-6 (filed Mar. 29, 2019)

Charter Oak Unified School District, CA, Application Nos. 191041966, 191041983, Request for Waiver, CC Docket No. 02-6 (filed Apr. 10, 2019)

Dekalb County School District, GA, Application Nos. 191041994, 191042018, Request for Waiver, CC Docket No. 02-6 (filed May 24, 2019)

Evergreen Charter School, NY, Application Nos. 191041507, 191041908, Request for Waiver, CC Docket No. 02-6 (filed June 6, 2019)

Farmersville School District, TX, Application No. 191041564, Request for Waiver, CC Docket No. 02-6 (filed Mar. 29, 2019)

First Coast Christian School, FL, Application No. 191042078, Request for Waiver, CC Docket No. 02-6 (filed May 24, 2019)

First Coast Christian School, FL, Application No. 191042055, Request for Waiver, CC Docket No. 02-6 (filed May 24, 2019)

⁸ Consistent with our obligation to conduct a *de novo* review of appeals of decisions made by USAC, we grant this request for review. See 47 CFR § 54.723. We find that Erb's Business Machine timely filed its invoice, even though it was submitted before USAC officially extended the invoice due date. Because this filing was submitted before the respective invoice deadline, USAC should accept the submitted invoice or the service provider should be given the opportunity by USAC to refile invoices on remand. In this instance, we waive sections any procedural deadlines, including the invoice deadline, that might be necessary to effectuate our ruling. See *supra* note 5.

⁹ See, e.g., *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Academy of Math and Science et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 25 FCC Rcd 9256, 9259, para. 8 (2010) (*Academy of Math and Science Order*) (finding special circumstances exist to justify granting waiver requests where, for example, petitioners filed their FCC Forms 471 within 14 days after the FCC Form 471 filing window deadline).

Consistent with precedent, we also find good cause exists to waive sections 54.720(a) and (b) of the Commission's rules, which requires that petitioners file their appeals or waiver requests within 60 days of an adverse USAC decision, for Evergreen Charter School's Application No. 191041507 and for Richland Grade School District 88A. See, e.g., *Requests for Review and/or Waiver of Decisions of the Universal Service Administrator by ABC Unified School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 11019, para. 2 (WCB 2011) (waiving the filing deadline for petitioners that submitted their appeals to the Commission or USAC only a few days late).

St. Francis De Sales Deaf School, NY, Application No. 191041794, Request for Waiver, CC Docket No. 02-6 (filed May 14, 2019)

Sumter School District, SC, Application Nos. 191041471, 191042072, Request for Waiver, CC Docket No. 02-6 (filed May 31, 2019)

The Crefeld School, PA, Application No. 191042026, Request for Waiver, CC Docket No. 02-6 (filed May 24, 2019)

Torah Academy of Milwaukee, WI, Application No. 191041863, Request for Waiver, CC Docket No. 02-6 (filed May 14, 2019)

Washington County School District, FL, Application No. 191028030, Request for Waiver, CC Docket No. 02-6 (filed Apr. 1, 2019)

Westside Elementary School District, CA, Application No. 191041730, Request for Waiver, CC Docket No. 02-6 (filed Apr. 5, 2019)

Yeshivat Netivot Montessori, NJ, Application No. 191042025, Request for Waiver, CC Docket No. 02-6 (filed May 14, 2019)

York County School District 1, SC, Application No. 191042011, Request for Waiver, CC Docket No. 02-6 (filed May 31, 2019)

*Ministerial and/or Clerical Errors*¹⁰

Lake Nelson Adventist School, NJ, Application No. 191042390, Request for Waiver, CC Docket No. 02-6 (filed May 23, 2019)

Lincoln Community High School, IL, Application No. 181001899, Request for Review, CC Docket No. 02-6 (filed Sept. 7, 2018, supplemented Mar. 4, 2019)

USD 257 Iola, KS, Application No. 181021449, Request for Review, CC Docket No. 02-6 (filed May 7, 2019, supplemented June 12, 2019)

York County Library System, PA, Application No. 181024159, Request for Review, CC Docket No. 02-6 (filed Dec. 14, 2018, supplemented Mar. 22, 2019)¹¹

¹⁰ See, e.g., *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Ann Arbor Public Schools et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 25 FCC Rcd 17319, 17319-20, para. 2 & nn.5, 20 (WCB 2010) (*Ann Arbor Order*) (permitting applicant to include item omitted from FCC Form 471 but included on its source list); *Requests for Review of Decisions of the Universal Service Administrator by Archer Public Library et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 23 FCC Rcd 15518, 15521 & n.19 (WCB 2008) (permitting applicant to correct a pre-discount price on its FCC Form 471 to conform to the price on the source document).

¹¹ In granting York County Library System's (York) Request for Review, we permit York to replace the ineligible item, FortiMail 200E for \$6,000, with the eligible FortiGate 200E for \$7,436 on the applicable FCC Form 471 and direct USAC to process the form accordingly.

Desert Christian Schools, AZ, Application No. 161054441, Request for Waiver, CC Docket No. 02-6 (filed Jan. 25, 2019)

Galena Park Independent School District, OK, Application No. 171020855, Request for Waiver, CC Docket No. 02-6 (filed Apr. 25, 2019)

Lafayette Parish Public Library, LA, Application Nos. 171036936, 171038858, Request for Waiver, CC Docket No. 02-6 (filed May 29, 2019)

Netcong Board of Education, NJ, Application Nos. 171037493, 171037610, 171037725, Request for Waiver, CC Docket No. 02-6 (May 23, 2019)

Sacred Wind Communications, Inc. (Dzilth-Na-O-Dith-Hle School), NM, Application No. 171016928, Request for Waiver, CC Docket No. 02-6 (filed May 29, 2019)

*Late-Filed FCC Form 471 Applications*¹⁶

Collins-Maxwell Community School District, IA, Application No. 191042360, Request for Waiver, CC Docket No. 02-6 (filed May 17, 2019)

Colorado Early Colleges, CO, Application Nos. 191042326, 191042327, Request for Waiver, CC Docket No. 02-6 (filed May 28, 2019)

Colorado Early Colleges, CO, Application Nos. 191042322, 191042323, Request for Waiver, CC Docket No. 02-6 (filed May 28, 2019)

Colorado Early Colleges, CO, Application Nos. 191042324, 191042325, Request for Waiver, CC Docket No. 02-6 (filed May 28, 2019)

Colorado Early Colleges, CO, Application Nos. 191042320, 191042321, Request for Waiver, CC Docket No. 02-6 (filed May 28, 2019)

Elementary School District #159, IL, Application No. 191042349, Request for Waiver, CC Docket No. 02-6 (filed May 15, 2019)

Geibel Catholic Junior-Senior High School, PA, Application No. 191042360, Request for Waiver, CC Docket No. 02-6 (filed May 13, 2019)

Hiawatha Valley Education District, MN, Application No. 191042408, Request for Waiver, CC Docket No. 02-6 (filed May 28, 2019)

Jesuit Academy, NE, No Application No., Request for Waiver, CC Docket No. 02-6 (filed June 5, 2019)

KIPP Tech Valley Charter School, NY, Application No. 191042372, Request for Waiver, CC Docket No. 02-6 (filed May 22, 2019)

¹⁶ See, e.g., *Academy of Math and Science Order*, 25 FCC Rcd at 9261-62, para. 13 (denying requests for waiver of the FCC Form 471 filing window deadline where petitioners failed to present special circumstances justifying waiver of our rules).

Sweetwater County School District 01, WY, Application No. 171042460, Request for Waiver,
CC Docket No. 02-6 (filed May 9, 2019)

For additional information concerning this Public Notice, please contact James Bachtell in the
Telecommunications Access Policy Division, Wireline Competition Bureau, at james.bachtell@fcc.gov
or (202) 418-2694.

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